

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

PORTER,

No. C-11-04886 EDL

Plaintiff,

## **ORDER TO SHOW CAUSE**

V.

## CITY OF SANTA ROSA, et al.,

### Defendants.

Plaintiff brought this action pursuant to 42 U.S.C. § 1983, alleging that Defendant City of Santa Rosa police officers Delzell, Fajardin and Litchfield violated Plaintiff's civil rights by arresting him on March 25, 2011 without probable cause for allegedly violating a domestic violence restraining order by obtaining his estranged wife's cell phone records. On July 2, 2012, the Court granted in part and denied in part Defendant's motion for summary judgment, allowing at most Plaintiffs' claim pursuant to Monell v. Department of Social Servs., 436 U.S. 658, 690–91, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978) to proceed, and ordered Plaintiff to inform the Court no later than July 16, 2012 whether he intended to pursue that claim. Plaintiff did not make that filing as required by the Court's order.

On September 10, 2012, the Court set a Case Management Conference for September 25, 2012. On September 11, 2012, Plaintiff's counsel filed a motion to withdraw, which was set for hearing on October 16, 2012. On October 12, 2012, the Court granted the motion to withdraw and continued the Case Management Conference to November 13, 2012. Plaintiff failed to appear at the Case Management Conference, and has not otherwise communicated with the Court about his case. Defendant duly appeared and stated that Plaintiff had not contacted Defendant either.

Accordingly, Plaintiff is hereby ordered to show cause why this case should not be dismissed

1 for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff's written  
2 response to this Order to Show Cause shall be filed no later than December 3, 2012. A show cause  
3 hearing is scheduled for December 11, 2012 at 9:00 a.m. in Courtroom E, 15th floor, 450 Golden  
4 Gate Avenue, San Francisco, CA. It is further ordered that if Plaintiff fails to file a response to this  
5 Order to Show Cause by December 3, 2012, the Court will dismiss this action with prejudice.

6 IT IS SO ORDERED.  
7 Dated: November 14, 2012  
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*Elizabeth D. Laporte*

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ELIZABETH D. LAPORTE  
United States Magistrate Judge